

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FERRING PHARMACEUTICALS INC.,
FERRING B.V., and
FERRING INTERNATIONAL CENTER S.A.,

Plaintiffs,

v.

SERENITY PHARMACEUTICALS, LLC, and
REPRISE BIOPHARACEUTICS, LLC,

Defendants.

USDC SDNY	DOCUMENT
ELECTRONICALLY FILED	
DOC #:	9
DATE FILED:	9/16/2020

SERENITY PHARMACEUTICALS, LLC, and
REPRISE BIOPHARACEUTICS, LLC

Counterclaim-Plaintiffs,

v.

FERRING PHARMACEUTICALS INC.,
FERRING B.V., and
FERRING INTERNATIONAL CENTER S.A.,

Counterclaim-Defendants.

Case No. 1:17-cv-09922 (CM)(SA)

ECF Case

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ECF Case

COUNTERCLAIMANTS' MOTION TO
ALTER OR AMEND THE JUDGMENT UNDER F.R.C.P. 59(e)

- ① There is no need for the court to read the issue of obviousness because I have already invalidated the patent on other grounds. I have adjudicated every "claim" - I have invalidated the patents. They are no longer valid patents. Nothing requires me to decide whether an invalid patent is invalid on every asserted ground.
- ② You cannot infringe an invalid patent. There is nothing to infringe. I don't think that was obvious.

If anyone wants the judgment to be amended, needs to be amended, submit anyway.

I refuse to let "pretrial" there is a valid patent and infringe invalid marks finding or findings by here since I am that fact one. To be done making findings

Brian McNeil

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated September 15, 2020, Counterclaimants Serenity Pharmaceuticals, LLC and Reprise Biopharmaceutics, LLC's (collectively, "Counterclaimants"), by and through their undersigned counsel, will move this Court, before the Honorable Colleen McMahon, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a time of the Court's convenience, for an order granting Counterclaimants' Motion to Alter or Amend the Judgment Under F.R.C.P. 59(e). (*See* D.I. 705.)

Dated: September 15, 2020

Respectfully submitted,

/s/ Paul J. Skiermont

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2020, the foregoing document was filed electronically through the Court's Electronic Case Filing System. Service of this document is being made upon all counsel of record in this case by the Notice of Electronic Filing issued through the Court's Electronic Case Filing System on this date.

By: /s/ Paul J. Skiermont